

# DPM Chapter 300

## Employment (General)

### Subchapter 13. Employment of Retired Members of the Uniformed Services

#### 13-1. INTRODUCTION

Retired members of the uniformed services have the right to be considered for Federal civilian employment on the same basis as others. Since some members of the uniformed services are assigned to positions in the Department, our normal policy of strict compliance with the merit principle of open competition requires particular emphasis and special documentation when retired military personnel are considered for appointment to civilian positions. It is necessary to avoid any semblance of preferential treatment, as well as to preclude unwarranted allegations that an appointment was obtained through influence growing out of assignment to the Department during military service, rather than because of ability and merit.

#### 13-2. POLICY

a. Retired members of the uniformed services may be appointed to civilian positions in the Department of Transportation (DOT) during the 180-day period immediately following retirement whenever:

- (1) the proposed appointment is personally authorized by the Head of an Operating Administration (OA) or Departmental Officer;
- (2) appointment is to a position in the competitive service and selection is from an established register of eligibles;
- (3) appointment is to a position for which a special salary rate has been established under 5 U.S.C. 5303;
- (4) appointment is to a position in the Senior Executive Service following appropriate Departmental and Office of Personnel Management procedures for filling such positions; or
- (5) a state of national emergency exists.

b. A retired member of the uniformed services may be appointed to civilian incumbency in the same position that he/she occupied in the DOT immediately prior to his/her retirement from active duty, if that appointment is approved by the Assistant Secretary for Administration.

#### 13-3. DOCUMENTATION AND PROCEDURES

a. Whenever a retired member of the uniformed services is appointed within 180 days after retirement, except during period of national emergency, documentation shall be retained by the appropriate personnel office that clearly shows:

- (1) full consideration, in accordance with placement and promotion procedures of the OA which the position is located, was given to eligible career employees;
- (2) the vacancy was well publicized and recruitment was conducted over a sufficiently long period of time to give all interested parties an opportunity to apply;
- (3) qualification requirements for the position are totally relevant to the work to be done and were not established in such a manner as to give advantage to a particular individual; and
- (4) recruitment for the position was timely and not delayed or held open in order to provide a retiring member of the uniformed services with a preferential opportunity to apply for or be appointed to the position at hand.

b. When a retired member of the uniformed services is to be appointed to civilian incumbency in the same position he/she occupied immediately prior to retirement from active military duty, the request for approval

shall be submitted to the Assistant Secretary for Administration and shall show, in addition to the information required in Section 13-3.a., that the conversion of the position to civilian incumbency was solely the result of an objective management need and not to afford civilian employment to the uniformed service retiree.

a. Each OA shall maintain a record of all retired members of the uniformed services who are appointed to civilian positions in their

respective organizations within 180 days after retirement or under circumstances requiring the Assistant Secretary for Administration's prior approval. The record shall include the retiree's name, retirement date, appointment date, title of position to which appointed, and the type of appointment. An employee may be dropped from the record after 2 years of employment, or upon separation from the Department, whichever is earlier.